

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

1 **CARLYON CICA CHTD.**
2 CANDACE C. CARLYON, ESQ.
3 Nevada Bar No.2666
4 DAWN M. CICA, ESQ.
5 Nevada Bar No. 4565
6 265 E. Warm Springs Road, Suite 107
7 Las Vegas, NV 89119
8 Phone: (702) 685-4444
9 Fax: (725) 386-4979
10 Email: ccarlyon@carlyoncica.com
11 dcica@carlyoncica.com

12 *Counsel for Chris McAlary*

13 **UNITED STATES BANKRUPTCY COURT**
14 **DISTRICT OF NEVADA**

15 In re:

16 CASH CLOUD, INC.,
17 dba COIN CLOUD,

18 Debtor.

19 Case No.: Case No. BK-S-23-10423-MKN

20 Chapter 11

21 **EX PARTE APPLICATION FOR**
22 **ORDER SHORTENING TIME FOR**
23 **HEARING ON OPPOSITION TO**
24 **APPROVAL OF STIPULATION**
25 **GRANTING DERIVATIVE**
26 **STANDING TO THE OFFICIAL**
27 **COMMITTEE OF UNSECURED**
28 **CREDITORS WITH RESPECT TO**
CERTAIN ACTIONS

Hearing Date: OST REQUESTED
Hearing Time: OST REQUESTED

Chris McAlary (“McAlary”), by and through its counsel, the law firm of Carlyon Cica Chtd., hereby submits its Ex Parte Application (the “Application”) for the Court to shorten the time to hear the McAlary’s *Opposition to Approval of Stipulation Granting Derivative Standing to the Official Committee of Unsecured Creditors with Respect to Certain Actions* [ECF No. 1029](the “Opposition”).

This Application is made and based upon Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 9006 of the Local Rules of Bankruptcy Procedure for

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

the United States Bankruptcy Court for the District of Nevada (the “Local Rules”), the Declaration of Dawn M. Cica, Esq. (the “Cica Declaration”) filed in support of the Application and contemporaneously herewith, the Attorney Information Sheet required by the Local Rules, the points and authorities set forth below, and the papers and pleadings on file herein, judicial notice of which is respectfully requested pursuant to FRE 201.

I. LEGAL AUTHORITY

Bankruptcy Rule 9006(c)(1) permits a Bankruptcy Court for cause shown, and in its discretion, to reduce the period during which any notice is given. Bankruptcy Rule 9006(c)(1) provides as follows:

Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Counsel for Mr. McAlary asked Debtor’s counsel and counsel for the Committee if they preferred the Opposition to the Stipulation for Standing to be heard on regular time or on order shortening time. The Debtor advised that they consented to order shortening time. The Committee did not respond. Counsel for Mr. McAlary then requested the position of the UST who advised that they consented to an order shortening time. Cica Declaration at para. 4.

Local Rule 9006 provides further authority for shortening the time for a hearing. Local Rule 9006(a) requires that every motion for an order shortening time must be accompanied by an affidavit stating the reasons for an expedited hearing. Local Rule 9006 also requires the moving party to submit an Attorney Information Sheet indicating whether opposing counsel was provided with notice, whether opposing counsel consented to the hearing on an order shortening time, the date counsel was provided with notice and how notice was provided or attempted to be provided. An Attorney Information Sheet was filed contemporaneously with this Application, indicating any consent or objection to a hearing on shortened time so provided.

II. CONCLUSION

McAlary respectfully request that the Court grant this Application and issue an order

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

1 shortening the time and for any further relief this Court deems just and proper.

2 Respectfully submitted this 7th day of August 2023.

3

CARLYON CICA CHTD.

4

/s/ Dawn M. Cica

5

CANDACE C. CARLYON, ESQ.

6

Nevada Bar No. 2666

7

DAWN M. CICA, ESQ.

8

Nevada Bar No. 4565

265 E. Warm Springs Road, Suite 107

Las Vegas, Nevada 89119

Telephone: (702) 685-4444

9

Email: ccarlyon@carlyoncica.com

10

dcica@carlyoncica.com

11

Counsel for Chris McAlary

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Nancy Arceneaux

An employee of Carlyon Cica Chtd.

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119